Health and Care Act 2022

2022 CHAPTER 31

PART 4

THE HEALTH SERVICES SAFETY INVESTIGATIONS BODY

Investigatory powers etc

119 Powers to require information etc

(1) An investigator may by notice require any person—

(a) to attend at a specified time and place and to provide information by answering questions;

(b) to provide specified information, or information of a specified description, by a specified date;

(c) to provide specified documents, equipment or items, or documents, equipment or items of a specified description, by a specified date.

(2) An investigator may give a person a notice only if the investigator reasonably believes that—

(a) in the case of a requirement under subsection (1)(a), the person is able to provide information which is necessary for the purposes of an investigation;

(b) in the case of a requirement under subsection (1)(b)—

(i) it is necessary to obtain the information for the purposes of an investigation, and

(ii) the person is able to provide it;

(c) in the case of a requirement under subsection (1)(c)—

(i) it is necessary to obtain the document, equipment or other item for the purposes of the HSSIB's investigation function, and

(ii) the person is able to provide it.

(3) But a person is not required by virtue of subsection (1) to provide any information, document, equipment or other item where—

(a) its provision would risk the safety of any patient,

(b) its provision might incriminate the person, or

(c) in the case of information or a document, the person would be entitled to refuse to provide it in any proceedings in any court on the grounds that it is the subject of legal professional privilege.

(4) A notice must—

(a) specify the grounds for the investigator believing the matters in subsection (2),

(b) give an explanation of the consequences of failing to comply with the notice (see section 121), and

(c) attach evidence of the investigator's authority from the HSSIB to exercise the powers conferred by this section.

(5) If a notice requires a person to provide anything which is kept in electronic form, the notice may require it to be provided in a form in which it is legible.

(6) An investigator may withdraw a notice under subsection (1) by giving notice of withdrawal to the person to whom the notice was given.

(7) Where any document, equipment or other item is provided to an investigator pursuant to a notice, it may be retained by the HSSIB for so long as is necessary for the purposes of the HSSIB's investigation function, unless its retention would risk the safety of any patient.

(8) Where a person attends to answer questions pursuant to a notice under subsection (1)(a), the HSSIB—

(a) must reimburse the person the reasonable costs incurred in attending;

(b) may record, by any means, the answers given.

(9) In this section "specified" means specified in the notice.

Commencement Information

I1 S. 119 not in force at Royal Assent, see **s. 186(6)**

I2 S. 119 in force at 1.10.2023 by S.I. 2023/1035, **reg. 2(a)**

Changes to legislation:
There are currently no known outstanding effects for the Health and Care Act 2022, Section 119.